

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

MARIANO ALVAREZ,	§	
Petitioner,	§	
	§	Case No. 7:15-CV-00280
v.	§	
	§	Case No. 7:07-CR-00144-1
UNITED STATES OF AMERICA,	§	
Respondent	§	

**UNITED STATES' MOTION FOR FORTY-FIVE (45)-DAY  
EXTENSION OF TIME TO FILE RESPONSE**

TO THE HONORABLE JUDGE OF SAID COURT:

The United States of America, by the United States Attorney for the Southern District of Texas and the undersigned Assistant United States Attorney, files this Motion for Forty-five (45) - Day Extension of Time to file its Response to Mariano Alvarez (Alvarez)' Motion for Relief under 28 U.S.C. § 2255. In support thereof, the United States would show the following:

**I.**

The Court has ordered the United States to file a response to Alvarez's Motion for Relief under 28 U.S.C. § 2255 by December 11, 2015. The Court filed this Order on September 24, 2015. Since that time, the undersigned Assistant United States Attorney assigned to

prepare the government's response has prepared and filed responses in the following cases: *U.S. v. Regan*, Case No. 4:15-CV-01630, *U.S. v. Sarquis, Jr.*, Case No. 7:15-CV-00083; *U.S. v. Ted Villanueva-Vasquez*, Case No. 2:15-CV-00332; *U.S. v. Carmen Hernandez*, Case No. 4:15-CV-02075; *U.S. v. Hoover*, Case No. 4:15-CV-00889; *U.S. v. Ricardo Garcia Heredia*, Case No. 2:15-CV-00313; *Morales v. United States*, Case Nos. 4:15-CV-02319, 02992, and 00290; *U.S. v. Jerry Chance*, 5:15-CV-00197; *U.S. v. Britton-Harr*, 2:15-CV-00360; and *U.S. v. Eliza Lozano Lumbreras*, Case No. 7:15-CR-00109.

Even as this case became due, the undersigned was engaged in the process of preparing the responses to the motion filed in *United States v. Christopher Purser*, Case No. 4:15-CV-03157; and *United States v. Manuel Ramirez-Macias*, Case No. 7:15-CV-00235. In order to prepare a response that will facilitate the court's resolution of the issues presented in this case, the undersigned assistant United States Attorney will need a 45-day extension of time.

Accordingly the government prays that this Court enter an Order granting it a thirty (45)-day extension of time to complete and file its response. The government is cognizant of the Court's policy of promptly

resolving pro se controversies and makes this motion for additional time so that justice may be done and not for purposes of delay.

Respectfully submitted,

KENNETH MAGIDSON  
United States Attorney

/s/ James L. Turner  
JAMES L. TURNER  
Assistant United States Attorney  
Texas Bar No. 20316950  
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P. O. Box 61129  
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(713) 567-9102

## **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above *United States'*  
*Motion for Forty-five-Day Extension of Time* was served upon Mariano  
Alvarez, Reg. No. 94625-179, *pro se*, on December 11, 2015 via certified  
mail, return receipt requested, addressed to:

Mr. Mariano Alvarez  
Reg. No. 94625-179  
USP-Allenwood  
P.O. Box 3000  
White Deer, PA 17887

/s/ James L. Turner  
JAMES L. TURNER  
Assistant United States Attorney